

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SEAN T. PUGH,

Petitioner,

v.

Case No. 16-C-1456

REED RICHARDSON,

Respondent.

ORDER

On October 31, 2016, Sean Pugh filed a pro se Petition for habeas relief from his conviction and sentence for various state drug offenses asserting 14 separate grounds for relief. The case was stayed to allow him to exhaust his state court remedies. Based on Pugh's status report filed on March 4, 2020, the court lifted the stay, screened the petition, and directed the Respondent to file an answer or other response. On June 4, 2020, Respondent filed a motion to dismiss thirteen of the fourteen claims asserted on the grounds that they were procedurally defaulted and/or failed to state a federally cognizable claim. Dkt. No. 24. After several extensions, Pugh, now represented by Attorney Jeffrey Jensen, filed a brief in opposition to Respondent's motion on October 24, 2020. Dkt. No. 34. On November 12, 2020, Pugh requested that the brief in opposition filed by Attorney Jensen be withdrawn because he believes Attorney Jensen erroneously conceded procedural default and made other "pleading errors" and "historical inaccuracies." Pugh has also requested that he be allowed 30 days to sort out the confusion between himself and Attorney Jensen or file his own brief. Dkt. No. 37. In response to Pugh's motion, Attorney Jensen joined in his

request that his opposition brief be withdrawn and moved to withdraw as Pugh's attorney. Dkt. No. 39.

Based upon the foregoing, the court hereby grants Attorney Jensen's motion to withdraw. Pugh apparently does not trust his attorney to represent him, and Attorney Jensen has stated he cannot represent him under the circumstances. Pugh's motion to withdraw Attorney Jensen's brief in opposition will be granted, but with this qualification. The response will remain a part of the record and may be considered by the court as a "friend of the court brief." The arguments set forth therein, however, will not be attributable to Pugh himself, and he will be granted 30 days within which to file his own opposition to Respondent's motion to dismiss. Respondent has indicated that he has a reply to Attorney Jensen's opposition already prepared, and he may proceed to file his reply to the opposition that is on file. In addition, Respondent may file a reply to any further filing that Pugh makes in opposition to the respondent's motion.

Accordingly, Attorney Jensen's motion to withdraw (Dkt. No. 39) is GRANTED. Pugh's motion to withdraw the brief filed in opposition to the motion to dismiss (Dkt. No. 37) is GRANTED as qualified above. Pugh has until December 18, 2020, to file his opposition to Respondent's motion to dismiss, and Respondent shall have 14 days after Pugh files his opposition to reply.

SO ORDERED at Green Bay, Wisconsin this 18th day of November, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge